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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,820	11/30/2000	John C. Goodwin III	8843	5154

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EXAMINER
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RETTA, YEHDEGA

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/726,820

Applicant(s)

GOODWIN, JOHN C.

Examiner

Yehdega Retta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

This office action is in response to amendment filed on February 9, 2004. Claims 13-20 have been amended and new claims 21-25 have been added.

***Response to Arguments***

Applicant's arguments filed February 9, 2004 have been fully considered but they are not persuasive.

Regarding claims 1 and 12, Applicant argues that Bruke's system is never operated to (i) receive customer identification data... from customer (ii) generate customer interest data from said customer identification data and (iii) generate customer path to a location corresponding to said selected product identification data that includes a location corresponding to said customer interest data. Applicant also argues that Powell does not include (i) a data receiver for receiving customer identification data and customer product selection data, (ii) a customer interest data generator for generating customer interest data and (iii) a customer path generator for generating a customer path to a location corresponding to said customer product selection data that includes at least one location corresponding to said customer interest data.

Claims 1 and 12, recites receiving customer identification data and product identification data; generating customer interest data and generating a customer path to a location corresponding to the customer product selection data that includes at least one location correspond to customer interest data. Bruke teaches receiving customer identification data and product selection data (see col. 9 lines 3-18); generating customer interest data (shopping list) (see col. 11 lines 52 to col. 12 line 7) and generating path to location of the selected product (see

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col. 11 lines 24-52) that includes one location corresponding to customer interest data (see col. 11 lines 53-64). Powell also teaches receiving customer identification data and product selection data (see col. 9 lines 3-18); generating customer interest data from customer identification data (viewing information on products identified on the card) and generating path to location of the selected product (viewing location of the product) (see col. 4 lines 45-54) that includes one location corresponding to customer interest data (see col. 5 lines 28-40 and col. 15 lines 13-25).

Thus, both Bruke and Powell teach generating path to a location of selected product that including a location corresponding to customer interest data.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-11 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Bruke et al. U.S. Patent No. 6,604,681 and Powell U.S. Patent No. 5,887,271.

Claims 1-10, both Bruke and Powell teach a data receiver for receiving customer identification data and customer product selection data, customer interest data generator for generating customer interest data and path generator for generating a customer path to location corresponding to customer product selection data that includes a location corresponding to customer interest data; generating map data file for a display at a kiosk; querying a database to obtain purchase history, demographic data (see Bruke, col. 3 line 3 to col. 6 line 12, See Powell, col. 15 line 4 to col. 17 line 33).

Claim 11, both Bruke and Powell teach generating paths that do not include aisle intersection portion that are not on the generated customer path (see Bruke, col. 6 line 61 to col. 7 line 24 and Powell, fig. 26 and col. 16 line 43 to col. 17 line 4).

Claims 12-23 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Bruke et al. U.S. Patent No. 6,604,681.

Claims 12-20, Bruke teaches receiving customer identification data and product selection; generating customer interest data from the customer identification data; generating path to location corresponding to selected product; construction shortest distance path ..., identify products using customer purchase data, reading demographic data (see col. 3 line 3 to col. 6 line 12), generating paths including aisle intersection (see col. 6 line 61 to col. 7 line 24).

Regarding claim 21, Bruke teaches receiving customer identification data and product selection data (see col. 9 lines 3-18); generating customer interest data (shopping list) (see col.

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11 lines 52 to col. 12 line 7) and generating a customer path to location in the store based on customer identification data and product selection data (see col. 11 lines 24-64).

Regarding claim 22, Bruke teaches querying a database with the customer identification data to obtain customer purchase history (shopping list) and generating customer interest data based on the purchase history (see col. 11 line 24 to col. 12 line 7).

Regarding claim 23, Bruke teaches constructing shortest distance between the kiosk location and selected product (see col. 3 lines 28-38 and col. 11 lines 24-40).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruke as applied to claim 21 above, and further in view of Dejaeger et al. U.S. Patent No. 6,456,981.

Regarding claims 24 and 25 Burke teaches customized offer based on customer's past purchase history, however failed to explicitly teach generating customer interest data based on date and time data and reading demographic data. Dejaeger teaches receiving demographic data including data and time data in order to provide customized offer to customer (see col. 8 line 61 to col. 12 line 53). It would have been obvious to one of ordinary skill in the art at the time of

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Applicant's invention to receive demographic information including data and time data in order provide the customer with customized promotional information.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

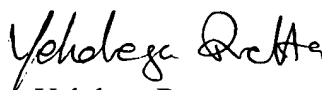
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703) 305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yehdega Retta  
Examiner  
Art Unit 3622

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